



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/749,000

12/30/2003

Alvin F. Tanpoco

03-1117

8379

20306 7590 12/13/2007
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

KHATTAR, RAJESH

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,000

Applicant(s)

TANPOCO, ALVIN F.

Examiner

Rajesh Khattar

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

This Office Action is in response to Applicant's communication filed on Dec. 30, 2003. Claims 1-34 are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "wherein the second icon is positioned in relation to a point on the chart" is unclear to the Examiner. What does "in relation to a point" refer to? Examiner is interpreting this limitation as wherein the second icon is positioned corresponding to the trading strategy on the chart.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25, 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones III, US Patent Application No. 2002/0120551 further in view of Ram, US Patent Application No. 2003/0004853.

Examiner would first like to address the rejection of process claims 21 and 23-34. The corresponding apparatus claims 1-20 and 22, to implement the process claims 21 and 23-34, will be addressed after rejection of process claims.

Regarding claim 21, Jones III discloses a method for visually establishing a trading strategy, the method comprising:

positioning a first icon in relation to a first value axis on a graphical interface, wherein the first icon is associated with a first order corresponding to the trading strategy (Figure 7-8; [0043]; [0057]-[0062]);

positioning at least one second icon *in relation to the first icon* on the graphical interface, wherein the at least one second icon is associated with at least one second order and corresponds to the trading strategy (Figure 9-10; [0043]; [0057]-[0062]); and

displaying graphical means in relation to the first icon and the at least one second icon (Figure 7-10; [0043]; [0057]-[0062]), wherein the displayed graphical means is used for *showing a relationship between the first order corresponding to the first icon and the at least one second order corresponding to the at least one second icon*.

Jones III does not specifically disclose *showing a relationship between the first order corresponding to the first icon and the at least one second order corresponding to the at least one second icon*. However, Ram discloses this feature ([0267]; Figure 31).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Jones III to include the disclosure of Ram. One would have been motivated to do so in order to present information in the visual format and allows trading to be carried out quickly and easily on the basis of the visually-presented information as illustrated by Jones III ([0021]).

Regarding claim 23, Jones III discloses wherein the first icon and the second icon are used to represent at least one order type (Fig. 7-10; [0043]; [0057]-[0062]).

Regarding claim 24, Jones III discloses wherein the at least one second icon is displayed in relation to the first value axis, and wherein the first value axis comprises a price axis corresponding to a first tradeable object ([0057]-[0062]).

Regarding claim 25, Jones III discloses wherein the at least one second icon is displayed in relation to a second value axis, and wherein the second value axis comprises a price axis corresponding to a second tradeable object ([0057]-[0062]).

Regarding claim 27, Jones III discloses defining at least one condition in relation to the first order and the at least one second order, wherein the at least one condition defines when each order is to be sent to at least one exchange; and

sending each of the first order and the at least one second order upon detecting the at least one condition corresponding to each respective order ([0043]-[0044]; [0057]-[0062]).

Regarding claim 28, Jones III discloses changing a representation of the first icon and the at least one second icon upon detecting order state changes ([0043]).

Regarding claim 29, Jones III discloses wherein the first icon and the at least one second icon change colors upon detecting the order state changes ([0043]).

Regarding claim 30, Jones III discloses displaying a chart on the graphical interface, wherein the chart displays market related data associated with a first tradable object, wherein the second icon is positioned in relation to a point on a chart (Figures 4, 7-10).

Regarding claim 32, Ram discloses wherein the graphical means is used to show order precedence corresponding to the first order and the at least one second order (Figure 31; [0267]).

Regarding claims 33 and 34, Examiner notes that the use of arrows/numerical indicator displayed in relation to the first icon and the at least one second icon to show order precedence is clearly an aesthetic design change (see MPEP § 2144.04). The design change that relates to ornamentation only and have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art.

Regarding claims 14 and 15, Jones III discloses wherein each of the first icon and the at least one second icon is auto-populated with at least a plurality of order related parameters e.g. an order quantity, an order type and an exchange identifier ([0054]; software computes the order summary on sub-screen represents auto-populated feature). Examiner notes that exchange identifier is necessarily present to trading.

Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones III in view of Ram and further in view of Whitney, US Patent Application No.

2005/0004852. Jones III and Ram disclose their invention as described above. Both fail to specifically disclose the first value axis comprises a price derivative axis and displaying a time axis in relation to the chart. However, Whitney discloses a price derivative axis ([0060]) and a time axis in relation to the chart ([0008]). Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to modify the disclosure of Jones III and Ram to include the disclosure of Whitney. One would have been motivated to do so in order to display a moving average or a measure of a change in the price versus time as illustrated by Whitney ([0060]).

The corresponding apparatus claims 1-13, 16-20 and 22 are substantially similar to the process claims 21 and 23-34 and hence rejected on similar ground.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner can normally be reached on Flex schedule.

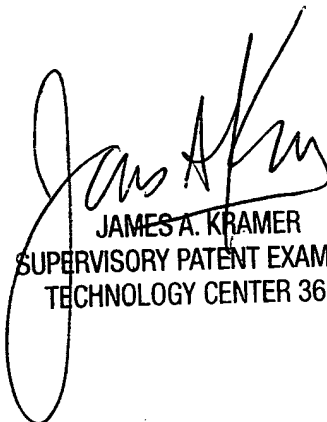
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/749,000
Art Unit: 3693

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK
Dec. 9, 2007

 12.19.07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600